

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA	)	CR No.: 3:07-1014-JFA
	)	
v.	)	ORDER
	)	
RICO BARBER	)	
	)	
_____	)	

The defendant, Rico Barber, pled guilty to Count 1 of the Superseding Indictment charging him with conspiracy to possess with intent to distribute and to distribute 50 grams or more of cocaine base and 5 kilograms or more of cocaine, in violation of federal law. At sentencing and after the court granted a three-level variance, the defendant's offense level was 32, and with a criminal history category of III, this yielded a sentencing guideline range of 151 to 181 months. The court sentenced the defendant to a custodial term of 129 months after adjusting his sentence by 22 months to account for time spent in state custody.

On February 2, 2012, this court granted the government's motion for a reduction of sentence pursuant to Rule 35(b)(2) of the Federal Rules of Criminal Procedure for substantial assistance. An amended judgment and commitment order was entered reducing the defendant's sentence to 121 months.

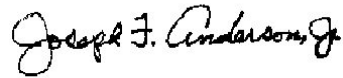
It appears that when the court granted the first Rule 35(b) motion, it did not take into account the 22-month adjustment that the defendant was given on his initial sentence. Thus, the government has moved again to reduce the defendant's sentence to account for the 22-

month adjustment that should have been applied in the earlier order and amended judgment and commitment.

For good cause shown, the government's motion (ECF No. 1121) is granted and the defendant's sentence is reduced to 99 months. All other aspects of the original sentence remain in full force.

IT IS SO ORDERED.

March 8, 2013  
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.  
United States District Judge